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17 Attorneys for Plaintiffs

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN JOSE DIVISION**

21 NATIONWIDE BIWEEKLY
22 ADMINISTRATION, INC., an Ohio
23 corporation; LOAN PAYMENT
24 ADMINISTRATION LLC, an Ohio limited
25 liability company; and DANIEL S. LIPSKY, an
26 individual;

27 Plaintiffs,

28 vs.

29 JOHN F. HUBANKS, Deputy District Attorney,
30 Monterey County District Attorney's Office, in
31 his official capacity; ANDRES H. PEREZ,
32 Deputy District Attorney, Marin County District
33 Attorney's Office, in his official capacity;
34 MONTEREY COUNTY DISTRICT
35 ATTORNEY'S OFFICE, a County agency; and
36 MARIN COUNTY DISTRICT ATTORNEY'S
37 OFFICE, a County agency,

38 Defendants.

) Case No. 14-cv-04420-LHK

) **REPLY IN SUPPORT OF MOTION FOR**
) **PRELIMINARY INJUNCTION**

1 On October 2, 2014, plaintiffs Nationwide Biweekly Administration, Inc., Loan Payment
2 Administration LLC, and Daniel S. Lipsky (collectively, "Nationwide") filed the Complaint and a
3 Motion for Preliminary Injunction. Dkt. ## 1, 5. On October 8, 2014, Nationwide filed an
4 amended notice of motion to reflect the reassignment of the case to the Honorable Lucy H. Koh.
5 Dkt. # 17. Pursuant to Local Rule 7-3, an opposition to a motion must be filed within 14 days after
6 the motion is filed. On October 22, 2014, Defendants did not file an opposition to the Motion for
7 Preliminary Injunction, but instead filed a Motion to Dismiss for insufficiency of service of
8 process. Dkt. # 20.

9 While Nationwide believes that service was valid and that Defendants failed to oppose the
10 Motion for Preliminary Injunction, Nationwide's counsel contacted Defendants' counsel in a good-
11 faith attempt to resolve the issue. Nationwide's counsel spoke with counsel for the Monterey
12 County District Attorney's Office and Deputy District Attorney John F. Hubanks about an
13 alternative schedule for Defendants to file their Answer to the Complaint, along with any
14 opposition to the Motion for Preliminary Injunction. Assuming Defendants' agreement,
15 Nationwide will submit such a schedule to the Court in the form of a Stipulation and Proposed
16 Order. In the absence of such an agreement, Nationwide respectfully requests that this Court grant
17 its unopposed Motion for Preliminary Injunction.

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19 Dated: October 29, 2014

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23 By: /s/ Thomas R. Burke
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